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PTO/SB/31 (04-07)
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**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

04000.0001U4

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]
on April 20, 2007

Signature

Typed or printed name

Brian C. Meadows

In re Application of

Wallace K. Dyer

Application Number

09/943,138

Filed

August 30, 2001

For

Methods and Compositions for
Tissue Augmentation

Art Unit

1639

Examiner

Jon D. Epperson

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 250.00

☐ A check in the amount of the fee is enclosed.

☒ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 14-0629. I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☐ attorney or agent of record.
Registration number _____

☒ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. 50,848

Signature

Brian C. Meadows, Esq.

Typed or printed name

678-420-9414

Telephone number

April 20, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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ATTORNEY DOCKET NO. 04000.0001U4
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
Dyer)	Art Unit: 1639
)	
Application No. 09/943,138)	Examiner: Jon D. Epperson
)	
Filing Date: August 30, 2001)	Confirmation No. 9300
)	
For: METHODS AND COMPOSITIONS)	
FOR TISSUE AUGMENTATION)	

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 23859

April 20, 2007

Dear Sir:

Applicant or patent owner hereby appeals under 37 C.F.R. § 41.31 to the Board of Patent Appeals and Interferences from the decision of the Examiner dated October 20, 2006 rejecting claims 1, 4, 7-11, 13, 22, 23, 25-29 and 31. This appeal is proper at least because one or more of applicant's claims have been twice rejected.

The item(s) checked below are appropriate:

1. ☒ An extension of time to respond to the final rejection:
 - (a) ☐ was obtained for [**NO. OF MONTHS EOT**] month(s).
 - (b) ☒ is requested herewith under 37 C.F.R. § 1.136.
2. Payment in the amount of \$760.00 for the following fees is to be charged to a credit card and such payment is authorized by the signed, enclosed document entitled Credit Card Payment Form PTO-2038 to cover the following fees:

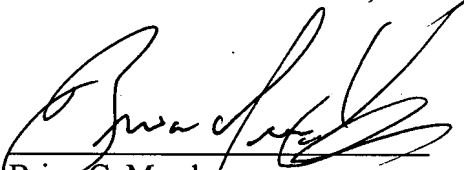
ATTORNEY DOCKET NO. 04000.0001U4
APPLICATION NO. 09/943,138

- ☒ Appeal fee amount pursuant to 37 C.F.R. §41.20(b)(1) = \$500.00/LE or \$250.00/SE.
- ☒ Extension of time fee amount pursuant to 37 C.F.R. §1.17(a)(3) = \$510.00.
3. ☐ Enclosed is a Pre-Appeal Brief Request for Review and ____ sheets of reasons.

The amount authorized in PTO-2038 is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.


Brian C. Meadows
Registration No. 50,848

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
(678) 420-9300
(678) 420-9301 (fax)

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.


Brian C. Meadows

Date

April 20, 2007